

## TITLE 327 WATER POLLUTION CONTROL BOARD

### IDEM'S SUGGESTED CHANGES FOR ADOPTION AT THE SECOND PUBLIC HEARING

LSA Document #05-218

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a) (2)) and incorporated into the posted version (LSA Document #05-218, posted November 1, 2006, DIN: 20061101-IR-327050218PRA) have been made in the version of the rule presented to the board for final adoption.

1. Page 2 327 IAC 2-1-3.1(a)  
Insert **"only"** after **"shall be applied"**
2. Page 2 327 IAC 2-1-3.1(b)  
Insert **"consideration for"** after **"To receive"**
3. Page 2 327 IAC 2-1-3.1(b)(1)  
Insert **"recreational"** after **"to change the"**  
Insert **"or waterbodies"** after **"of the waterbody"**
4. Page 3 327 IAC 2-1-3.1(b)(3)  
Insert **"consistent with the application of the CSO wet weather limited use subcategory"** after **"long term control plan (LTCP)"**
5. Page 3 327 IAC 2-1-3.1(b)(4)  
Delete subdivision (b)
6. Page 3 327 IAC 2-1-3.1(c)(1)  
Insert **"will"** after **"requirements that"**  
Delete **"during and immediately following wet weather events"** and  
insert **"under subsection (h) if the waterbody or waterbodies receiving the wet weather overflows are redesignated to the CSO wet weather limited use subcategory;"**
7. Page 3 327 IAC 2-1-3.1(d)  
Insert **"if they are submitted concurrently."** after **"with the LTCP"**  
Delete **"and"** and insert **"The department shall"**  
Delete **"approved"** after **"use the"**
8. Page 3 327 IAC 2-1-3.1(e)  
Delete **"and LTCP"** after **"UAA"**  
Delete **"do the following:"** after **"the department shall"**
9. Page 3 327 IAC 2-1-3.1(e)(1)  
Delete subdivision (1)
10. Page 3 327 IAC 2-1-3.1(e)(1)(A)

- Delete clause (A)
11. Page 3 327 IAC 2-1-3.1(e)(1)(B)  
Delete clause (B)
12. Page 3 327 IAC 2-1-3.1(e)(2)  
Delete “(2)”
13. Page 3 327 IAC 2-1-3.1(f)  
Insert “**and the supporting UAA**” after “**recreational use designation**”
14. Page 3 327 IAC 2-1-3.1(g)  
Insert new subsection (g) to read as follows: “**(g) Upon U.S. EPA’s approval of the use designation change for the water body or waterbodies receiving wet weather overflows from a CSO community, the department shall modify the NPDES permit holder’s permit to incorporate the CSO wet weather limited use designation and the approved LTCP into the permit.**”
15. Page 3 327 IAC 2-1-3.1(g)  
Change proposed subsection (g) to subsection (h)
16. Page 3 327 IAC 2-1-3.1(g)(1)  
Delete “**and**” after “**sewer system;**”
17. Page 3 327 IAC 2-1-3.1(g)(2)  
Insert new subdivision (2) to read as follows: “**(2) be consistent with the Clean Water Act; and**”  
Change proposed subdivision (2) to subdivision (3)
18. Page 12 327 IAC 5-2-10(b)  
Delete “**wet weather discharges from combined sewer overflows (CSO)**” after “**permits for communities with**” and insert “**approved LTCPs that are consistent with the federal CSO policy**”  
Delete “**requiring the permittee to take specific steps to achieve compliance with applicable standards, limitations, and other requirements.**” after “**schedules of compliance**” and insert “**for meeting final water quality-based effluent limitations for CSOs, provided any such permit:**”
19. Page 12 327 IAC 5-2-10(c)  
Delete “**(c) The schedule of compliance provided for in subsection (b) shall require**” and insert “**(1) requires**”  
Insert “**water quality-based effluent**” after “**compliance with applicable standards and**”  
Delete “**reasonably**” after “**limitations as soon as**”  
Delete “**but may remain in effect as long as the NPDES permit requirements are in effect.**” after “**possible**” and insert “**in accordance**”

**with 40 CFR 122.47(a)(1) and in no event beyond the period specified in the approved LTCP for implementation of the LTCP;”**

Insert new subdivision (2) to 327 IAC 5-2-10(b) to read as follows: **“(2) contains interim requirements, milestones, and final water quality-based effluent limitations and dates certain by which those requirements, milestones, and limitations will be met, even if these dates are beyond the term of the permit;**

Insert new subdivision (3) to 327 IAC 5-2-10(b) to read as follows: **“(3) complies in all other respects with the requirements of 40 CFR 122.47; and”**

Insert new subdivision (4) to 327 IAC 5-2-10(b) to read as follows: **“(4) requires implementation of the approved LTCP.”**

- |     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20. | Page 12 | 327 IAC 5-2-10(d)<br>Change subsection (d) to subsection (c)<br>Delete “at” after “ <b>The department shall,</b> ” and insert “ <b>where appropriate, and upon</b> ”<br>Insert “ <b>that contains water quality-based effluent limitations associated with CSOs</b> ” after “ <b>incorporate into the NPDES permit</b> ”<br>Delete “ <b>for meeting the water quality-based requirements associated with CSOs during the period of development, approval, and implementation of a long term control plan (LTCP). The schedule of compliance may:</b> ” after “ <b>a schedule of compliance</b> ” and insert “ <b>provided that all the conditions in subsection (b) are met.</b> ” |
| 21. | Page 12 | 327 IAC 5-2-10(d)(1)<br>Delete subdivision (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 22. | Page 12 | 327 IAC 5-2-10(d)(2)<br>Delete subdivision (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 23. | Page 12 | 327 IAC 5-2-10(e)<br>Delete subsection (e)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 24. | Page 12 | 327 IAC 5-2-10(e)(1)<br>Delete subdivision (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 25. | Page 12 | 327 IAC 5-2-10(e)(2)<br>Delete subdivision (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 26. | Page 12 | 327 IAC 5-2-10(f)<br>Delete subsection (f)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

